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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 IRFAN GOKCE,) CASE NO. C08-0720-RAJ
09 Plaintiff,)
10 v.) REPORT AND RECOMMENDATION
11 PATRICIA RYER, et al.,)
12 Defendants.)
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14 On May 6, 2008, plaintiff Irfan Gokce submitted to the Court for review a proposed civil
15 rights complaint in which he alleged that the defendants, through actions taken during the course
16 of plaintiff's immigration proceedings, caused plaintiff to be denied political asylum. (See Dkt.
17 No. 1.) Plaintiff failed to submit either the \$350 filing fee or an application for leave to proceed
18 with this action *in forma pauperis* with his complaint. Accordingly, on May 8, 2008, the Clerk
19 sent plaintiff a letter advising him that he would have to submit either the entire filing fee or an
20 application for *in forma pauperis* status on or before June 9, 2008, and that his failure to do so
21 could result in dismissal of his case. (Dkt. No. 2.) On May 15, 2008, the Clerk's letter to plaintiff
22 was returned as undeliverable with a notation indicating that plaintiff was no longer at the address

01 provided by him in his complaint. (Dkt. No. 4.)

02 Because mail directed to plaintiff in other pending actions had not been returned, the Clerk,
03 on June 12, 2008, sent plaintiff a second letter advising him of his failure to meet the filing fee
04 requirement and advising him that he would have to correct the deficiency on or before July 14,
05 2008, or this action would be dismissed. (Dkt. No. 5.) It is not known whether plaintiff ever
06 received this second letter. Assuming plaintiff is no longer confined at the Northwest Detention
07 Center and therefore did not receive the letter, this action is subject to dismissal because plaintiff
08 failed to advise the Court of any new address within sixty days of the date the Clerk's first letter
09 was returned. *See* Local Rule CR 41(b)(2). Assuming plaintiff did receive the letter, this action
10 is subject to dismissal because plaintiff failed to comply with the Clerk's directive that he either
11 pay the filing fee or submit an application for *in forma pauperis* status.

12 As plaintiff has had ample time to either advise the Court of a new address and/or to
13 comply with the filing fee requirement, but has done neither, this Court recommends that the
14 instant action be dismissed without prejudice for failure to prosecute. A proposed Order
15 accompanies this Report and Recommendation.

16 DATED this 2nd day of September, 2008.

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19 Mary Alice Theiler
20 United States Magistrate Judge
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